

Office of the Secretary of Defense

§ 185.1

State, or local civil authorities, or by qualifying entities.

(B) RFAs will be in writing and addressed to the Secretary of Defense, the Deputy Secretary of Defense, or the DoD Executive Secretary, 1000 Defense, Pentagon, Washington, DC 20301-1000. DoD Components who receive RFAs directly from the requestor will immediately forward them to the DoD Executive Secretary for disposition, distribution, and tracking.

(C) At a minimum, the RFA will be distributed to the ASD(HD&ASA) and the CJCS for staffing and recommendation. If the RFA is for a single capability for which a DoD Component is the OPR or serves as a DoD Executive Agent, the RFA is sent to that Component for action with an information copy provided to the ASD(HD&ASA) and the CJCS.

(D) Vetting of RFAs will be in accordance with the DoD Global Force Management process and consistent with criteria published in DoD 8260.03-M, Volume 2 (see http://www.dtic.mil/whs/directives/corres/pdf/826003m_vol2.pdf).

(E) Heads of DoD Components will consult with the DoD Executive Secretary on which DoD official will communicate DoD special event support decisions to the requesting authorities.

(4) *Execution.* Execution of DoD support of special events is a shared responsibility. The scope and magnitude of the support being provided will determine the OPR and level of execution.

(i) When joint military forces or centralized command and control of DoD support to a special event are anticipated or required, a Combatant Commander may be identified as the supported commander in a properly approved order issued by the CJCS. The designated Combatant Command shall be the focal point for execution of DoD support to that special event with other DoD Components in support. Reporting requirements shall be in accordance with the properly approved order issued by the CJCS and standing business practices.

(ii) When there are no joint military forces required and there is no need for centralized command and control, DoD support of special events shall be exe-

cuted by the CJCS or the Head of a DoD Component, as designated in a properly approved order or message issued by the CJCS. Oversight of DoD support will be provided by the ASD(HD&ASA).

(iii) As described in the Joint Action Plan for Developing Unity of Effort, when Federal military forces and State military forces are employed simultaneously in support of civil authorities in the United States, appointment of a dual-status commander is the usual and customary command and control arrangement. Appointment of a dual-status commander requires action by the President and the appropriate Governor (or their designees).

(5) *Recovery.* (i) Durable, non-unit equipment procured by the Department of Defense to support a special event shall be retained by the CJCS for use during future events in accordance with §183.5(i)(7) of this part.

(ii) An after-action report shall be produced by the Combatant Command or OPR and sent to the ASD(HD&ASA) and the CJCS within 60 days of completion of the event.

PART 185—DEFENSE SUPPORT OF CIVIL AUTHORITIES (DSCA)

Sec.

185.1 Purpose.

185.2 Applicability and scope.

185.3 Definitions.

185.4 Policy.

185.5 Responsibilities.

AUTHORITY: Legal authority includes, 10 U.S.C. sections 113, 331-335, 371-382, 2553, 2554, 2555, and 2564; 31 U.S.C. 1535-1536 (Economy Act); 42 U.S.C. section 5121 *et seq.* (Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act)); and Public Law 94-524, as amended (Presidential Protection Assistance Act of 1976).

SOURCE: 76 FR 2248, Jan. 13, 2011, unless otherwise noted.

§ 185.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities for DSCA, also referred to as civil support.

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(b) Supplements the regulations (in DoD Directive 5525.5)¹ required by section 375 of title 10, United States Code (U.S.C.), regarding military support for civilian law enforcement.

(c) Sets forth policy guidance for the execution and oversight of DSCA when requested by civil authorities or by qualifying entities and approved by the appropriate DoD official, or as directed by the President, within the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States or any political subdivision thereof.

(d) Authorizes immediate response authority for providing DSCA, when requested.

(e) Authorizes emergency authority for the use of military force, under dire situations, as described in §185.4(i) of this part.

§ 185.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) Applies to the Army National Guard and the Air National Guard (hereafter referred to collectively as the “National Guard”) personnel when under Federal command and control. Also applies to National Guard personnel when the Secretary of Defense determines that it is appropriate to employ National Guard personnel in title 32, U.S.C., status to fulfill a request for DSCA, the Secretary of Defense requests the concurrence of the Governors of the affected States, and those Governors concur in the employ-

ment of National Guard personnel in such a status.

(c) Applies to all DSCA (except the specific forms of DSCA listed in paragraph (d) of this section), including but not limited to:

(1) Mutual or automatic aid, also known as reciprocal fire protection agreements (see chapter 15A of title 42 U.S.C.).

(2) DoD fire and emergency services programs (see DoD Instruction 6055.06)².

(3) Support of special events in accordance with applicable laws and DoD policy (see DoD Directive 2000.15)³.

(4) United States Army Corps of Engineers (USACE) activities as the DoD Coordinating and Primary Agency for Emergency Support Function #3, Public Works and Engineering, of the National Response Framework.

(5) Defense support to civilian law enforcement agencies (see DoDD 3025.12⁴ and DoD Directive 5525.5).

(d) Does not apply to the following:

(1) Support in response to foreign disasters provided in accordance with DoD Directive 5100.46⁵.

(2) Joint investigations conducted by the Inspector General of the Department of Defense, the Defense Criminal Investigative Service, and the military criminal investigative organizations with civil law enforcement agencies on matters within their respective jurisdictions using their own forces and equipment.

(3) Detail of DoD personnel to duty outside the Department of Defense in accordance with DoD Instruction 1000.17⁶.

(4) Counternarcotics operations conducted under the authority of section 1004 of Public Law 101–510 (1991).

² Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/605506p.pdf>.

³ Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/200015p.pdf>.

⁴ Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/302512p.pdf>.

⁵ Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/510046p.pdf>.

⁶ Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/100017p.pdf>.

¹ Available for downloading at <http://www.dtic.mil/whs/directives/corres/pdf/552505p.pdf>.